

53B-4-101. WICHE compact.

As empowered by law, the governor of Utah has duly entered into a compact the text of which is as follows:

Article I.

Whereas, the future of this Nation and of the Western States is dependent upon the quality of the education of its youth; and

Whereas, many of the Western States individually do not have sufficient numbers of potential students to warrant the establishment and maintenance within their borders of adequate facilities in all of the essential fields of technical, professional, and graduate training, nor do all of the States have the financial ability to furnish within their borders institutions capable of providing acceptable standards of training in all of the fields mentioned above; and

Whereas, it is believed that the Western States, or groups of such states within the Region, cooperatively can provide acceptable and efficient educational facilities to meet the needs of the Region and of the students thereof:

Now, therefore, the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming do hereby covenant and agree as follows:

Article II.

Each of the compacting states and territories pledges to each of the other compacting states and territories faithful cooperation in carrying out all the purposes of this compact.

Article III.

The compacting states and territories hereby create the Western Interstate Commission for Higher Education, hereinafter called the Commission. The Commission shall be a body corporate of each compacting state and territory and an agency thereof. The Commission shall have all the powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states and territories.

Article IV.

The Commission shall consist of three resident members from each compacting state or territory. At all times one commissioner from each compacting state or territory shall be an educator engaged in the field of higher education in the state or territory from which he is appointed.

The commissioners from each state and territory shall be appointed by the governor as provided by law in the state or territory. Any commissioner may be removed or suspended from office as provided by the law of the state or territory from which he shall have been appointed.

The terms of each commissioner shall be four years. Each commissioner shall hold office until his successor shall be appointed and qualified. If any office becomes vacant for any reason, the governor shall appoint a commissioner to fill the office for the remainder of the unexpired term.

Article V.

Any business transacted at any meeting of the Commission must be by affirmative vote of a majority of the whole number of compacting states and territories.

One or more commissioners from a majority of the compacting states and territories shall constitute a quorum for the transaction of business.

Each compacting state and territory represented at any meeting of the Commission is entitled to one vote.

Article VI.

The Commission shall elect from its number a chairman and a vice chairman, and may appoint, and at its pleasure dismiss or remove, such officers, agents, and employees as may be required to carry out the purpose of this Compact. The Commission shall fix and determine their duties, qualifications, and compensation, having due regard for the importance of the responsibilities involved.

The commissioners shall serve without compensation, but shall be reimbursed for their actual and necessary expenses from the funds of the Commission.

Article VII.

The Commission shall adopt a seal and bylaws and shall adopt and promulgate rules and regulations for its management and control.

The Commission may elect such committees as it deems necessary for the carrying out of its functions.

The Commission shall establish and maintain an office within one of the compacting states for the transaction of its business and may meet at any time, but in any event must meet at least once a year. The Chairman may call such additional meetings and upon the request of a majority of the commissioners of three or more compacting states or territories shall call additional meetings.

The Commission shall submit a budget to the governor of each compacting state and territory at such time and for such period as may be required.

The Commission shall, after negotiations with interested institutions, determine the cost of providing the facilities for graduate and professional education for use in its contractual agreements throughout the Region.

Prior to January 16 of each year, the Commission shall submit to the governors and legislatures of the compacting states and territories a report of its activities for the preceding calendar year.

The Commission shall keep accurate books of account, showing in full its receipts and disbursements, and said books of account shall be open at any reasonable time for inspection by the governor of any compacting state or territory or his designated representative. The Commission shall not be subject to the audit in the accounting procedure of any of the compacting states or territories. The Commission shall provide for an independent annual audit.

Article VIII.

It is the duty of the Commission to enter in such contractual agreements with any institutions in the Region offering graduate or professional education and with any of the compacting states or territories as may be required in the judgment of the Commission to provide adequate services and facilities of graduate and professional education for the citizens of the respective compacting states or territories. The Commission shall first endeavor to provide adequate services and facilities in the fields of dentistry, medicine, public health, and veterinary medicine, and may undertake similar activities in other professional and graduate fields.

For this purpose the Commission may enter into contractual agreements:

(a) with the governing authority of any educational institution in the Region, or with any compacting state or territory, to provide such graduate or professional educational services upon terms and conditions to be agreed upon between contracting parties; and

(b) with the governing authority of an educational institution in the Region or with any compacting state or territory to assist in the placement of graduate or professional students in educational institutions in the Region providing the desired service and facilities, upon such terms and conditions as the Commission may prescribe.

It is the duty of the Commission to undertake studies of needs for professional and graduate educational facilities in the Region, the resources for meeting those needs, and the long-range effects of the Compact on higher education; and from time to time to prepare comprehensive reports on such research for presentation to the Western Governors' Conference and to the legislatures of the compacting states and territories. In conducting the studies, the Commission may confer with any national or regional planning body which may be established. The Commission shall draft and recommend to the governors of the various compacting states and territories, uniform legislation dealing with problems of higher education in the Region.

For the purposes of this Compact, "Region" means the geographical limits of the several compacting states and territories.

Article IX.

The operating costs of the Commission shall be apportioned equally among the compacting states and territories.

Article X.

This Compact shall become operative and binding immediately as to those states and territories adopting it whenever five or more of the states or territories of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Alaska, and Hawaii have duly adopted it. This Compact shall become effective as to any additional states or territories adopting thereafter at the time of such adoption.

Article XI.

This Compact may be terminated at any time by consent of a majority of the compacting states or territories. Consent shall be manifested by passage and signature in the usual manner of legislation expressing that consent by the Legislature and governor of the terminating state. Any state or territory may at any time withdraw from this Compact by means of appropriate legislation to that end. The withdrawal is not effective until two years after written notice by the governor of the withdrawing state or territory accompanied by a certified copy of the requisite legislative action is received by the Commission. The withdrawal shall not relieve the withdrawing state or territory from its obligations under the compact accruing prior to the effective date of withdrawal. The withdrawing state or territory may rescind its action of withdrawal at any time within the two-year period. Thereafter, the withdrawing state or territory may be reinstated by application to and the approval by a majority vote of the Commission.

Article XII.

If any compacting state or territory at any time defaults in the performance of any of its obligations assumed or imposed in accordance with this Compact, all rights, privileges, and benefits conferred by this Compact or agreements under the Compact

are suspended from the effective date of that default as fixed by the Commission.

Unless the default is remedied within a period of two years following the effective date of the default, this Compact may be terminated with respect to the defaulting state or territory by affirmative vote of 3/4 of the other member states or territories.

The defaulting state may be reinstated by: (a) performing all acts and obligations upon which it has defaulted; and (b) application to and the approval by a majority vote of the Commission.

Enacted by Chapter 167, 1987 General Session

53B-4-103. Commissioners -- Duties -- Records of academic progress -- Cancellation of student registration.

(1) The commissioners are the three resident members from the state of Utah, required by Article IV of the compact, and are authorized to function as representatives of the state on the Western Interstate Commission for Higher Education.

(2) The commissioners' duties are as follows:

(a) to study the need for professional and graduate educational facilities not available within this state;

(b) to recommend appropriations to meet the needs of this act;

(c) to provide for screening of all applicants for professional, graduate, or higher educational study not available within the state in accordance with established rules; and

(d) to certify to out of state institutions under the compact all acceptable candidates.

(3) An applicant may not be certified unless the applicant has been a bona fide resident of the state for at least the five years prior to the date of application.

(4) (a) Students must maintain continuous Utah residency during their attendance at an out of state institution in order to receive financial support under the compact.

(b) If Utah residency is terminated by a student during any academic year in which the student has received financial support under the compact, the support shall be relinquished and terminated at the end of that academic year.

(5) (a) The Commissioner of Higher Education shall maintain records of the academic progress of Utah students receiving financial support under the compact while attending out of state institutions.

(b) If the records reveal a student is not progressing satisfactorily, upon recommendation of the out of state institution, the commissioner shall cancel the student's registration and withhold future payments otherwise due.

Amended by Chapter 74, 1997 General Session